

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERIK ESTRADA HAYNES,

Petitioner,

V.

Warden ROBERT TOOLE,

Respondent.

CIVIL ACTION NO. 5:12-CV-343 (MTT)

ORDER

This matter is before the Court on the Recommendation (Doc. 33) of United States Magistrate Judge Charles H. Weigle on Petitioner Erik Hayne's petition for writ of habeas corpus (Doc. 1) seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. The Magistrate Judge recommends denying the Petitioner's petition because five of the grounds for relief are procedurally barred, and the Petitioner cannot establish he is entitled to relief on his remaining ground of insufficient evidence. Although the Petitioner filed an objection to the Recommendation (Doc. 34), the objection fails to address the Magistrate Judge's findings that five of the Petitioner's grounds are procedurally barred. As to the remaining ground of insufficient evidence, the Petitioner fails to address the Recommendation and merely restates his prior arguments.

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Recommendation is adopted and made the order of this Court, and the Petitioner's petition for writ of habeas corpus is **DENIED**. Further, pursuant to the Magistrate Judge's Recommendation, a certificate of appealability is **DENIED**.

SO ORDERED, this the 6th day of March, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT